

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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**IN RE: NATIONAL FOOTBALL  
LEAGUE PLAYERS' CONCUSSION  
INJURY LITIGATION**

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**THIS DOCUMENT RELATES TO:  
ALL ACTIONS**

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**MDL No. 2323  
12-md-2323**

**CASE MANAGEMENT ORDER NO. 1  
PRACTICE AND PROCEDURE ORDER UPON TRANSFER  
PURSUANT TO 28 U.S.C. § 1407(a)**

1. This order shall govern the initial practice and procedure in those actions transferred to this Court by the Judicial Panel on Multidistrict Litigation pursuant to their Order of January 31, 2012 (ECF No. 1), as well as all related actions originally filed in this Court or transferred or removed to this Court. The current list of such cases is attached as "Schedule A." This order shall also govern the practice and procedure in any tag-along actions transferred to this Court by the Judicial Panel on Multidistrict Litigation pursuant to Rule 7.1 of the Rules of Procedure of the Panel subsequent to the filing of the final transfer order by the Clerk of this Court or otherwise transferred or removed to this Court. These actions are consolidated for pretrial purposes.

2. An Initial Organization Conference will be held on **April 25, 2012 at 10:30 a.m.** in Courtroom 7-B of the U.S. Courthouse, 601 Market Street, Philadelphia, Pennsylvania, 19106.

3. To ensure an accurate record of all outstanding motions, by **March 30, 2012**, any party who filed a motion in any action to date must refile that motion on this Court's ECF in the master docket case file, No. 2:12-md-2323. If an outstanding motion is applicable to less than all cases, it must be refiled in those individual case dockets as well.

4. The following apply to the Initial Organization Conference:

- One counsel for each party must appear at the Initial Organization Conference. However, to minimize costs and facilitate a manageable conference, parties with similar interests may agree to have an attending attorney represent them at the conference.
- By **March 30, 2012**, counsel must meet and confer.<sup>1</sup> By **April 4, 2012**, counsel must file on ECF a Proposed Case Management Order and a Proposed Conference Agenda. In the event counsel cannot agree on particular items, they must include a brief statement of their respective positions. The Proposed Case Management Order and the Proposed Conference Agenda must include the following<sup>2</sup>:
  - dates for amendment of pleadings;
  - cut-off dates to file dispositive motions and other pretrial motions;

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<sup>1</sup>To ensure that the meet-and-confer process is conducted in an orderly fashion at this stage of the litigation, counsel in the first-filed case, *Easterling, et al. v. National Football League*, No. 11-cv-05209, shall initiate the meeting of all counsel in these actions.

<sup>2</sup>The parties should be guided generally by reference to the items listed in the *Manual of Complex Litigation, Fourth*, Sections 22.6, 22.61, 22.62, and 22.63, insofar as they are applicable.

- dates to file responsive pleadings and responses to the pending motions;
- a detailed discovery plan;
- a list of any previously entered order;
- issues relating to requests for class certification;
- any motions that should be considered on an expedited basis;
- the scheduling of regular telephone conferences (i.e., appropriate dates and times);
- a list of all related cases, if any, pending in state or federal court and their current status, to the extent known;
- a target date for the conclusion of the MDL; and
- the feasibility of filing a consolidated complaint.

5. At the Initial Organization Conference, I will address the important task of selecting Lead and Liaison Counsel. I will also discuss the need for a Steering Committee and if needed who will serve as a member. By **April 4, 2012**, any counsel who wishes to serve as Lead Counsel, Liaison Counsel, or Steering Committee Member must file an application. The application must include:

- a resume including a description of prior experience in complex litigation;
- references;

- any arrangements for coordination among counsel including any arrangements for distribution of work and compensation;
- projected fee proposals, rates, and percentages of a common fund that an applicant is seeking if the litigation succeeds; and
- any side agreements on compensation with any other attorney(s).

6. All counsel must immediately review the Attorney Service List, attached as “Schedule B,” to check that the information is accurate and complete as to office address, email address, fax and telephone number. If any of the information is inaccurate or incomplete in any way the attorney must notify the Clerk of this Court on or before **March 16, 2012**. Or if any attorney wishes to have his or her name added to or deleted from the Attorney Service List, he or she may do so upon request to the Clerk of this Court with notice to all other persons on the service list, so long as at least one counsel represents each party.

7. Counsel must immediately take steps to register to file on ECF in the Eastern District of Pennsylvania and to familiarize themselves with this Court’s administrative procedures for filing.

8. On or prior to **March 16, 2012**, service of any filing must be made directly upon all attorneys on the Attorney Service List, unless registered on ECF in this Court. Thereafter, all pleadings and other papers must be filed on this Court's ECF system. No other service of filings is necessary. Furthermore, **all orders and notices from the Court will be transmitted to counsel only by ECF. That means that no orders or notices from the Court will be transmitted by mail or by fax.**

9. Two hard copies of all filings must be sent to chambers.

10. The Clerk of this Court will maintain a master docket case file styled “In re: National Football League Players’ Concussion Injury Litigation,” No. 12-md-2323, with the identification “MDL No. 2323.” When a filing is intended to be applicable to all actions, this must be indicated by the words: “The Document Relates to All Actions.” Such a filing must only be filed in the master docket case file, No. 12-md-2323. When a filing is intended to apply to less than all cases, this Court’s docket number for each individual case to which the document relates must appear immediately after the words, “This Document Relates To.” Such a filing must be filed in the master docket case file, No. 12-md-2323, and in the individual applicable docket case file(s) as well.

11. Henceforth all documents filed in any of these actions must be filed with the Clerk of this Court and not with the Transferor Court.

12. Unless or until otherwise modified, an order previously entered in any consolidated case shall remain in full force and effect.

13. The dates for filing all responsive pleadings and responses to any pending motions are stayed until further order from this Court. All discovery proceedings are stayed.

14. Counsel who appeared in the Transferor Court prior to the MDL transfer order need not enter a separate appearance in this Court. Attorneys admitted to practice and in good standing in any United States District Court are admitted *pro hac vice* in this litigation. Parties are not required to retain local counsel. All counsel, however, must familiarize and comport themselves in accordance with the Pennsylvania Rules of Professional Conduct and the Rules of this Court.

15. The Court will be guided in part by the 2004 edition of the Manual for Complex Litigation. Counsel are directed to familiarize themselves with that publication.

16. Parties and their counsel are reminded of their duty to take legally-required measures to preserve documents, electronically stored information, and all other items that are potentially relevant.

17. Any questions concerning the procedure for filing should be addressed to Tom Dempsey in the office of the Clerk of this Court. His telephone number is 267-299-7018; his email address is Tom\_Dempsey@paed.uscourts.gov.

SUMMARY OF RELEVANT DATES	
<b>On or before March 16, 2012</b>	Counsel must review the Attorney Service List (attached as "Schedule B") and, if any information is inaccurate or incomplete in any way, notify the Clerk of this Court.
<b>On or prior to March 16, 2012</b>	Service of filing must be made directly upon all attorneys on the Attorney Service List, unless registered on ECF in this Court.
<b>After March 16, 2012</b>	All pleadings and other papers must be filed on this Court's ECF system; no other service is necessary. All orders and notices from the Court will be transmitted to counsel only by ECF. No orders or notices from the Court will be transmitted by mail or by fax.
<b>By March 30, 2012</b>	All parties who filed motions in any action to date must refile that motion(s) on this Court's ECF in the master docket case file, No. 2:12-md-2323, and in the relevant individual case docket(s) as well.
<b>By March 30, 2012</b>	Counsel must meet and confer.
<b>By April 4, 2012</b>	Counsel must file on ECF a Proposed Case Management Order and a Proposed Conference Agenda.
<b>By April 4, 2012</b>	Any counsel who wishes to serve as Lead Counsel, Liaison Counsel, or Steering Committee Member must file an application.
<b>April 25, 2012 at 10:30 a.m.</b>	The Initial Organization Conference will be held in Courtroom 7-B of the U.S. Courthouse, 601 Market Street, Philadelphia, PA.

March 6, 2012

Anita B. Brody

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Date

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United States District Judge

Copies **VIA ECF** on \_\_\_\_\_ to:

Copies **MAILED** on \_\_\_\_\_ to:

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**IN RE: NATIONAL FOOTBALL  
LEAGUE PLAYERS' CONCUSSION  
INJURY LITIGATION**

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**MDL No. 2323  
12-md-2323**

**SCHEDULE A  
CURRENT CASE LIST**

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*Easterling, et al. v. National Football League*  
Eastern District of Pennsylvania Case No. 11-cv-05209

*Boyd, et al. v. National Football League, et al.*  
Eastern District of Pennsylvania Case No. 12-cv-00092

*Solt, et al. v. National Football League, et al.*  
Eastern District of Pennsylvania Case No. 12-cv-00262

*Glover, et al. v. National Football League, et al.*  
Eastern District of Pennsylvania Case No. 12-cv-00287

*Johnson, et al. v. National Football League, et al.*  
Eastern District of Pennsylvania Case No. 12-cv-00324

*Wallace, et al. v. National Football League, et al.*  
Eastern District of Pennsylvania Case No. 12-cv-00336

*Barnett, et al. v. National Football League*  
Eastern District of Pennsylvania Case No. 12-cv-00546

*Hilgenberg v. National Football League*  
Eastern District of Pennsylvania Case No. 12-cv-00598

*Lelie, et al. v. National Football League, et al.*  
Eastern District of Pennsylvania Case No. 12-cv-00600



*Hager, et al. v. National Football League, et al.*  
Eastern District of Pennsylvania Case No. 12-cv-00601

*Adams, et al. v. National Football League, et al.*  
Eastern District of Pennsylvania Case No. 12-cv-00683

*Duranko v. National Football League*  
Eastern District of Pennsylvania Case No. 12-cv-00702

*Henesey, et al. v. National Football League*  
Eastern District of Pennsylvania Case No. 12-cv-00729

*Everitt, et al. v. National Football League, et al.*  
Eastern District of Pennsylvania Case No. 12-cv-00731

*Brodie, et al. v. National Football League, et al.*  
Eastern District of Pennsylvania Case No. 12-cv-00861

*Parker, et al. v. National Football League, et al.*  
Eastern District of Pennsylvania Case No. 12-cv-00868

*Hairston, et al. v. National Football League, et al.*  
Eastern District of Pennsylvania Case No. 12-cv-00989

*Maxwell, et al. v. National Football League, et al.*  
(Central District of California Case No. 11-cv-08394)  
Eastern District of Pennsylvania Case No. 12-cv-01023

*Barnes, et al. v. National Football League, et al.*  
(Central District of California Case No. 11-cv-08396)  
Eastern District of Pennsylvania Case No. 12-cv-01024

*Pear, et al. v. National Football League, et al.*  
(Central District of California Case No. 11-cv-08395)  
Eastern District of Pennsylvania Case No. 12-cv-01025

*Steed v. National Football League, et al.*  
(Central District of California Case No. 12-cv-00524)  
Eastern District of Pennsylvania Case No. 12-cv-01026

*Jones, et al. v. National Football League*  
(Southern District of Florida Case No. 11-cv-24594)  
Eastern District of Pennsylvania Case No. 12-cv-01027

*Levens v. National Football League, et al.*  
(Northern District of Georgia Case No. 11-cv-04448)  
Eastern District of Pennsylvania Case No. 12-cv-01028

*Stewart, et al. v. National Football League, et al.*  
(Northern District of Georgia Case No. 11-cv-04449)  
Eastern District of Pennsylvania Case No. 12-cv-01029

*Kuyendall, et al. v. National Football League, et al.*  
(Northern District of Georgia Case No. 11-cv-04450)  
Eastern District of Pennsylvania Case No. 12-cv-01030

*Lewis v. National Football League, et al.*  
(Northern District of Georgia Case No. 11-cv-04451)  
Eastern District of Pennsylvania Case No. 12-cv-01031

*Austin, et al. v. National Football League, et al.*  
(Northern District of Georgia Case No. 12-cv-00075)  
Eastern District of Pennsylvania Case No. 12-cv-01032

*Dronett v. National Football League, et al.*  
(Northern District of Georgia Case No. 12-cv-00076)  
Eastern District of Pennsylvania Case No. 12-cv-01033

*Finn, et al. v. National Football League*  
(District of New Jersey Case No. 11-cv-07067)  
Eastern District of Pennsylvania Case No. 12-cv-01034

*Jacobs, et al. v. National Football League, et al.*  
(Southern District of New York Case No. 11-cv-09345)  
Eastern District of Pennsylvania Case No. 12-cv-01035

*Rucker, et al. v. National Football League, et al.*  
(Southern District of New York Case No. 11-cv-09538)  
Eastern District of Pennsylvania Case No. 12-cv-01036

*Wooden, et al. v. National Football League*  
(Southern District of Florida Case No. 12-cv-20269)  
Eastern District of Pennsylvania Case No. 12-cv-01037

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